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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,819	12/16/2003	Kil-soo Jung	1293.1721	2879
49455 7590 12/12/2007 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			EXAMINER CHIO, TAT CHI	
			ART UNIT 2621	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/735,819	Applicant(s) JUNG ET AL.	
	Examiner Tat Chi Chio	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/19/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/18/2007 have been fully considered but they are not persuasive.

The applicant argues that Sawabe does not teach "information on the access points provided in a separate area from that of the interleaved motion picture data".

In response, the examiner respectfully disagrees. Sawabe teaches "information on the access points provided in a separate area from that of the interleaved motion picture data" in Figure 6. Figure 6 shows that the NAVI-PACK is recorded separately from the GOPs.

The applicant argues that Sawabe does not teach "information on jumping-points of the clip AV streams provided in a separate area from that of the interleaved clip AV streams, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle".

In response, the examiner respectfully disagrees. Sawabe teaches "information on jumping-points of the clip AV streams provided in a separate area from that of the interleaved clip AV streams, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle" in Figure 6 and Figure 7. Figure 6 shows that the NAVI-PACK is recorded separately from the GOPs, and the jumping-points are the start address of the interleaved unit in Figure 7.

The applicant argues that Sawabe does not teach "information on jumping-points of the clip AV stream provided in a separate area from that of the clip AV stream,

wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle”.

In response, the examiner respectfully disagrees. Sawabe teaches “information on jumping-points of the clip AV stream provided in a separate area from that of the clip AV stream, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle” in Figure 6 and Figure 7. Figure 6 shows that the NAVI-PACK is recorded separately from the GOPs, and the jumping-points are the start address of the interleaved unit in Figure 7.

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-7 and 10-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 8-11, 13-16, and 18-21 of copending Application No.10/735850. Although the conflicting claims are not identical, they are not patentably distinct from each other because the medium of the instant application can be created by the method of the copending application.

Consider claim 1, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are interleaved with respect to each other, wherein motion picture data for each angle has a plurality of access points through which motion picture data for another angle is connectedly and successively reproduced; and information on the access points provided in a separate area from that of the interleaved motion picture data.

Claim 1 of the instant application is conflicting with claim 1 of the copending application, which directs to the method of recording information on and reproducing information from claim 1 of the instant application. The claims depending on claim 1 of the instant application are also affected.

Consider claim 4, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are divided and interleaved with respect to each other in interleaved units; and information for accessing from an interleaved unit of motion picture data for an angle to a next interleaved unit of the motion picture data for the angle and/or for accessing from an interleaved unit of motion picture data for an angle to a corresponding next interleaved

unit of motion picture data for another angle, provided in a separate area from that of the interleaved motion picture data.

Claim 4 of the instant application is conflicting with claim 3 of the copending application, which directs to the method of recording information on and reproducing information from claim 4 of the instant application. The claims depending on claim 4 of the instant application is also affected.

Consider claim 6, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: clip audio-video (AV) streams corresponding to motion picture data for different angles, which are interleaved with respect to each other; and information on jumping-points of the clip AV streams provided in a separate area from that of the interleaved clip AV streams, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle.

Claim 6 of the instant application is conflicting with claim 4 of the copending application, which directs to the method of recording information on and reproducing information from claim 6 of the instant application. The claims depending on claim 6 of the instant application are also affected.

Consider claim 13, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: a clip audio-video (AV) stream corresponding to motion picture data for different angles which are interleaved with respect to each other; and information on jumping-points of the clip AV stream provided in a separate area from that of the clip AV stream, wherein the jumping-points

are access points through which the motion picture is reproduced from one angle to another angle.

Claim 13 of the instant application is conflicting with claim 4 of the copending application, which directs to the method of recording information on and reproducing information from claim 13 of the instant application. The claims depending on claim 13 of the instant application are also affected.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

2. Claims 1-7 and 10-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, and 8-11 of copending Application No. 10/735823. Although the conflicting claims are not identical, they are not patentably distinct from each other because the medium of the instant application can be created by the apparatus of the copending application.

Consider claim 1, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are interleaved with respect to each other, wherein motion picture data for each angle has a plurality of access points through which motion picture data for another angle is connectedly and successively reproduced; and information on the access points provided in a separate area from that of the interleaved motion picture data.

Claim 1 of the instant application is conflicting with claim 1 of the copending application, which directs to the apparatus that operates claim 1 of the instant application. The claims depending on claim 1 of the instant application are also affected.

Consider claim 4, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are divided and interleaved with respect to each other in interleaved units; and information for accessing from an interleaved unit of motion picture data for an angle to a next interleaved unit of the motion picture data for the angle and/or for accessing from an interleaved unit of motion picture data for an angle to a corresponding next interleaved unit of motion picture data for another angle, provided in a separate area from that of the interleaved motion picture data.

Claim 4 of the instant application is conflicting with claim 3 of the copending application, which directs to the apparatus that operates claim 4 of the instant application. The claims depending on claim 4 of the instant application is also affected.

Consider claim 6, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: clip audio-video (AV) streams corresponding to motion picture data for different angles, which are interleaved with respect to each other; and information on jumping-points of the clip AV streams provided in a separate area from that of the interleaved clip AV streams, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle.



Claim 6 of the instant application is conflicting with claim 4 of the copending application, which directs to the apparatus that operates claim 6 of the instant application. The claims depending on claim 6 of the instant application are also affected.

Consider claim 13, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: a clip audio-video (AV) stream corresponding to motion picture data for different angles which are interleaved with respect to each other; and information on jumping-points of the clip AV stream provided in a separate area from that of the clip AV stream, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle.

Claim 13 of the instant application is conflicting with claim 6 of the copending application, which directs to the apparatus that operates claim 13 of the instant application. The claims depending on claim 13 of the instant application are also affected.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 1-7 and 10-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, and 8-11 of copending Application No.11/432479. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant

application are broader and they encompass the scope of the claims of the copending application.

Consider claim 1, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are interleaved with respect to each other, wherein motion picture data for each angle has a plurality of access points through which motion picture data for another angle is connectedly and successively reproduced; and information on the access points provided in a separate area from that of the interleaved motion picture data.

Claim 1 of the instant application is conflicting with claim 1 of the copending application, which directs to the an information storage medium of claim 1 of the instant application. The claims depending on claim 1 of the instant application are also affected.

Consider claim 4, an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are divided and interleaved with respect to each other in interleaved units; and information for accessing from an interleaved unit of motion picture data for an angle to a next interleaved unit of the motion picture data for the angle and/or for accessing from an interleaved unit of motion picture data for an angle to a corresponding next interleaved unit of motion picture data for another angle, provided in a separate area from that of the interleaved motion picture data.

Claim 4 of the instant application is conflicting with claim 1 of the copending application, which directs to an information storage medium of claim 4 of the instant application. The claims depending on claim 4 of the instant application is also affected.

Consider claim 6, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: clip audio-video (AV) streams corresponding to motion picture data for different angles, which are interleaved with respect to each other; and information on jumping-points of the clip AV streams provided in a separate area from that of the interleaved clip AV streams, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle.

Claim 6 of the instant application is conflicting with claim 1 of the copending application, which directs to an information storage medium of claim 6 of the instant application. The claims depending on claim 6 of the instant application are also affected.

Consider claim 13, an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: a clip audio-video (AV) stream corresponding to motion picture data for different angles which are interleaved with respect to each other; and information on jumping-points of the clip AV stream provided in a separate area from that of the clip AV stream, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle.

Claim 13 of the instant application is conflicting with claim 1 of the copending application, which directs to an information storage medium of claim 13 of the instant application. The claims depending on claim 13 of the instant application are also affected.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 10, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawabe et al. (6,031,962).

**Consider claim 1**, Sawabe et al. teach an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are interleaved with respect to each other, wherein motion picture data for each angle has a plurality of access points through which motion picture data for another angle is connectedly and successively reproduced (Fig. 7); and information on the access points provided in a separate area from that of the interleaved motion picture data (Fig. 6).

**Consider claim 2**, Sawabe et al. teach the medium, wherein the access points correspond to boundaries of interleaved units of the interleaved motion picture data (Fig. 7).

**Consider claim 3,** Sawabe et al. teach the medium, further comprising characteristic information corresponding to the motion picture data for different angles, the characteristic information comprising the information on the access points (Fig. 6).

**Consider claim 4,** Sawabe et al. teach an information storage medium for storing multi-angle motion picture data thereon, comprising: motion picture data for different angles which are divided and interleaved with respect to each other in interleaved units (Fig. 6); and information for accessing from an interleaved unit of motion picture data for an angle to a next interleaved unit of the motion picture data for the angle and/or for accessing from an interleaved unit of motion picture data for an angle to a corresponding next interleaved unit of motion picture data for another angle, provided in a separate area from that of the interleaved motion picture data (Fig. 7).

**Consider claim 5,** Sawabe et al. teach the medium, further comprising characteristic information corresponding to the motion picture data for different angles, the characteristic information comprising the information on the access points (Fig. 6).

**Consider claim 6,** Sawabe et al. teach an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: clip audio-video (AV) streams corresponding to motion picture data for different angles, which are interleaved with respect to each other (Fig. 6); and information on jumping-points of the clip AV streams provided in a separate area from that of the interleaved clip AV streams, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle (Fig. 6 and Fig. 7).

**Consider claim 7**, Sawabe et al. teach the medium, wherein the jumping-points correspond to boundaries defining units of the interleaved clip AV streams (Fig. 6).

**Consider claim 10**, Sawabe et al. teach the medium, further comprising playlist information which comprises at least one playitem that corresponds to the clip AV streams (Fig. 10).

**Consider claim 13**, Sawabe et al. teach an information storage medium for storing multi-angle motion picture data corresponding to a motion picture, comprising: a clip audio-video (AV) stream corresponding to motion picture data for different angles which are interleaved with respect to each other (Fig. 6); and information on jumping-points of the clip AV stream provided in a separate area from that of the clip AV stream, wherein the jumping-points are access points through which the motion picture is reproduced from one angle to another angle (Fig. 6 and Fig. 7).

**Consider claim 14**, Sawabe et al. teach the medium, further comprising clip information corresponding to the clip AV stream, which comprises the information on the jumping-points (Fig. 6).

**Consider claim 15**, Sawabe et al. teach the medium, wherein the information on the jumping-points comprises location information corresponding to a start location to each jumping-point, for the clip AV stream (Fig. 6 and Fig. 7).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawabe et al. (6,031,962) in view of Furuta et al. (6,049,654).

**Consider claim 11,** Sawabe et al. teach all the limitations in claim 6 but fail to explicitly teach the medium, further comprising playlist information which comprises at least one playitem having angle block information, wherein the angle block information comprises information on whether the playitem is for the motion picture data for different angles.

Furuta et al. teach teach the medium, further comprising playlist information which comprises at least one playitem having angle block information, wherein the angle block information comprises information on whether the playitem is for the motion picture data for different angles (col. 7, lines 34-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate information on whether the playitem is for the motion picture data for different angles so that the reproducing device is able to detect whether the multi-angle playback is possible.

**Consider claim 12,** Furuta et al. teach the medium, wherein the angle block information further comprises information on the number of different angles for the motion picture (Fig. 2-Fig. 4).

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tat Chi Chio whose telephone number is (571) 272-9563. The examiner can normally be reached on Monday - Thursday 8:30 AM-6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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TCC

  
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